

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No.	SA CV 15-01277-AG (DFMx)	Date	September 27, 2016
Title	OAKLEY, INC. v. GWENN FINCHER et al.		

Present: The Honorable Douglas F. McCormick

Nancy Boehme

n/a

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

n/a

n/a

**Proceedings:** (In Chambers) Order to Show Cause

On September 14, 2016, this Court granted Plaintiff's motion to compel and ordered Defendants Gwenn and John Fincher to respond to written discovery and appear for depositions. See Dkt. 23. The Court further set a hearing for today's date to review Defendants' compliance with the Court's order. See id. Defendants failed to appear at today's hearing.

The record shows that Defendants have not complied with the Court's September 14<sup>th</sup> order. See Dkt. 25 (declaration of Plaintiff's counsel detailing Defendants' non-compliance). The Court accordingly now ORDERS Defendants to SHOW CAUSE in writing by no later than October 7, 2016, why the Court should not impose one or more of the following sanctions under Fed. R. Civ. P. 37(b)(2)(A):

recommending to the District Judge that facts be taken as established for purposes of this action, see Fed. R. Civ. P. 37(b)(2)(A)(i);

recommending to the District Judge that Defendants' pleadings be stricken, see Fed. R. Civ. P. 37(b)(2)(A)(iii); or

recommending to the District Judge the entry of a default judgment against Defendants, see Fed. R. Civ. P. 37(b)(2)(A)(vi).

To the extent Plaintiff seeks an order compelling Defendants and/or their counsel to pay their reasonable expenses, including attorney's fees, under Fed. R. Civ. P. 37(b)(2)(C), Plaintiff shall submit a supplemental memorandum in support of such a request by October 7, 2016.

Initials of Clerk

nkb